

THE MAINE LIAISON



Edition 34

Maine Bureau of Highway Safety

JUNE 2021

Holden PD is fighting addictions, and increasing roadway safety, one traffic stop at a time

Maine drivers seem to have an addiction they can't drop or put down, so the Holden Police Department is making a statement. Put down your cell phone while you drive or get a citation. In Maine it is illegal to manipulate an electronic device, while holding it in your hand and while driving, including while stopped in traffic. Initial tabulations show Holden PD, staffed by 6 full time and 5 part time officers, lead the state in distracted driving citations. This community of about 3000 people straddles Route 1A, the main corridor to Maine's Down East region.



The Maine Bureau of Highway Safety has awarded the Holden PD a distracted driving grant and they are putting it to great use. Between May 19 and June 21, they issued 93 summonses (55 of those being for distracted driving) and issued 78 warnings.

Additionally, as a direct result of these highway safety details, several felony arrests, including drug possession and fugitives from justice have resulted. On June 16th one stop netted 62.5 grams crack cocaine, 25 grams of cocaine, over \$1500 cash, .2 grams of Fentanyl/Heroin mix and as a result two felons went to jail and the drugs will not be sold to our youth. When asked about the enforcement methods, Lt. Eduardo Benjamin said the officers observe most of the distracted driving violations while they monitor traffic from the store that is close to the intersection of 1A and Rt46. These officers work alone, make the observation, and go to work saving lives in Holden's community, by ensuring no one is distracted while doing the important task of driving. Holden PD wants their friends and neighbors to enjoy the summer with zero traffic fatalities in their town. **TR**

DREs, prosecutors and those who arrest OUIs should have this document on their desk, on the phone and on your computer.

This is a Maine specific guide to understanding the law & the court cases that decide how the law works. Thanks to all who contributed to this guide. It's fantastic.

[Get it here](#)

Annotated Guide to Maine
Statutory, Empirical, and Case Law
Authority Relevant to Impaired
Driving Cases



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Maine Bureau of Highway Safety
3rd Edition June 2021

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ADVANCED ROADSIDE IMPAIRED DRIVING ENFORCEMENT (A.R.I.D.E.) PROGRAM

Sponsored by the Maine Bureau Highway Safety at no cost to your agency.

July 28-29, 2021
Gorham Police Department
270 Main Street, Gorham
8:30 - 4:30

Contact Jim Lyman at the
MCJA 877-8009
james.A.Lyman@maine.gov

July 12 & 13, 2021
Waterville Police Department
8:30 - 4:30

Maine Bureau of Highway Safety

A Note from the Desk of Jim Lyman

I wanted to get out some dates as soon as possible so you can plan appropriately for upcoming training events and ensure that you get your required training hours completed for your recerts. Registrations for MCJA Classes will open July 1 and an in-service application is required.

August 31, 2021: AAA Impaired Driving Summit in Portland

September 9, 2021: Annual DRE Refresher Training MCJA

September 14, 2021 Annual DRE Refresher Training Cape Elizabeth Fire

February 14-26, 2022 DRE School MCJA

Candidates that applied for the spring 2021 DRE school will be considered for the 2022 school and do not need to resubmit another packet.

You are also eligible to participate in any virtual training opportunities that are directly related to DRE. I will send links when I get them. We have several DREs attending the IACP DAID this August. The annual conference is also being offered virtually for anyone that wishes to participate in that format. The fee structure can be found on the IACP DAID site.

Please reach out with any questions.

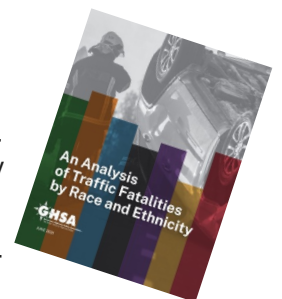
Thanks. Jim

James A. Lyman james.a.lyman@maine.gov
Impaired Driving Program Coordinator

In NHTSA's recent report, [**Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2020**](#) data indicates a nine percent increase in police reported alcohol involved (BAC=.01+) fatal crashes, with no updated data on drug related fatality crashes.

This data is shocking and clearly shows we have a lot of work to do to significantly impact alcohol-impaired driving. Our eye is on the ball, and the following initiatives are a few of the things we are focused on as we move forward!

GHSR Research Report: An Analysis of Traffic Fatalities by Race and Ethnicity – The report identifies actions states and communities can undertake when considering traffic enforcement, safety education and community outreach to better serve BIPOC communities and reduce crashes, injuries and deaths for those who have been most affected by race-related disparities in transportation. [Download the report >>](#)



SAVE THE DATE

Maine Impaired Driving Summit

August 31 · 8:30am–3:30pm · Holiday Inn by the Bay, Portland, ME

For more info and to register: bit.ly/3gpKdZS



For more information contact Dan Goodman at goodman.daniel@nne.aaa.com or 207-780-6988.

[To Register](#)

Reserve the Roadside Testing Vehicle for your summer OUI enforcement

The RTV is available for checkpoints and heavy saturation patrols to any agency that needs it. It can also be used for public awareness events involving traffic safety. To reserve the RTV contact me directly at thomas.j.reagan@maine.gov



Drugs seized in Palmyra traffic stop

PALMYRA — Somerset County sheriff's deputies seized more than 400 grams of illicit drugs during a routine traffic stop.



According to Somerset County Sheriff Dale Lancaster, deputies stopped a truck for excessive exhaust noise on Route 2 in Palmyra on Thursday morning.

Lancaster said during a search of the vehicle, deputies seized nearly 118 grams of cocaine, 152 grams of fentanyl, 108 grams of crack cocaine, close to 27 grams of methamphetamine, and approximately \$4,000 cash. [Read More](#)



Traffic stop in Bowdoinham leads to drug arrests

Cocaine, marijuana, and fentanyl were found in a car that was pulled over for speeding Tuesday night on I-295 in Bowdoinham.

BOWDOINHAM, Maine — Two people were arrested Tuesday after a traffic stop led police to find a loaded handgun and various illicit drugs in the car.

According to the Sagadahoc County Sheriff's Office, a speeding vehicle was stopped on I-295 in Bowdoinham Tuesday night around 10:30 p.m.



[Read More](#)



Which counties use the Intoxilyzer the most?

The new Intoxilyzer 9000



CUMBERLAND	971
YORK	653
KENNEBEC	527
PENOBSCOT	493
ANDROSCOGGIN	257
HANCOCK	180
OXFORD	168
SOMERSET	159
AROOSTOOK	159
KNOX	145
SAGADAHOC	142
WASHINGTON	124
LINCOLN	114
FRANKLIN	113
WALDO	112
PISCATAQUIS	52
	<hr/> 4369

Traffic stop in Winslow leads to drug arrest

After police pulled over Sean Bourgeois, they searched the vehicle and found a large amount of drugs .



Trooper pulls over semi for speeding in Indianapolis; finds 162 pounds of meth

INDIANAPOLIS (WANE) A California man faces federal drug charges after an Indiana State Trooper found 162 pounds of methamphetamine inside the semi he was driving Friday on I-65 in Indianapolis.

The trooper stopped the semi for speeding and when speaking to the driver he could smell the odor of marijuana coming from inside the truck. A search turned up the meth along with a small amount of marijuana. [Read More](#)



Some Night-Shift Workers May Have a 300% Higher Risk of Car Crashes. Science has named a **chronic sleep disorder, SWSD, potentially affecting millions** who work the graveyard shift and **making it more dangerous** for them to drive when tired. [Read more.](#)



Routine traffic stop led to \$1.5 million marijuana bust on Route 80, prosecutors say

A simple Route 80 traffic stop for tinted windows and tailgating led to the arrests of two men driving with 360 pounds of marijuana from Canada to New York City, prosecutors said at a court hearing on Friday. [Read More](#)

northjersey.com

Medway man allegedly in Possession of meth, firearm during traffic stop

Medway – a 25-year-old Medway man was arrested last week on multiple charges when he was in [possession of a firearm and illegal drugs during a traffic stop in Medway.... According to Corporal Brad Fitzgerald of the East Millinocket Police Department, Officer Michael Kennedy was on patrol around 6:30pm on April 24 when he conducted a traffic stop on Pattagumpus Road in Medway. The vehicle had an alleged inspection violation and it'd driver was allegedly using a handheld device while operating the vehicle...

Lincoln News



While Americans drove less in 2020 due to the pandemic, NHTSA's early estimates show that an estimated 38,680 people died in motor vehicle traffic crashes—the largest projected number of fatalities since 2007. This represents an increase of about 7.2 percent as compared to the 36,096 fatalities reported in 2019 (NHTSA 2021).



RESPONSIBILITY.ORG

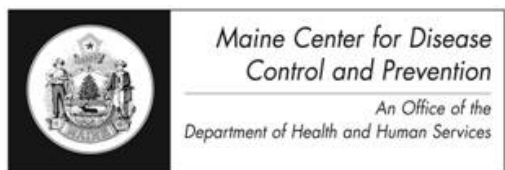
Maine traffic stop ends with arrests for entering the US illegally

Police say several men were found laying in the back of a van they stopped for speeding.

State police say a trooper stopped a work van for speeding in Gardiner Thursday morning. While the trooper was speaking with the driver and a passenger in the front seat, he spotted someone laying down behind the driver's seat. [Read More](#)



Chemist's Corner



Health and Environmental Testing Laboratory Forensic Chemistry Section-Toxicology

Laboratory Update:

Blood Drug Testing Program Update: In April 2021 the laboratory issued a memo regarding a blood drug testing limitation.

To Summarize: The blood THC test was not able to differentiate between Delta-9-THC, Delta-8-THC, & Delta-6a(10a)-THC. A memo was issued to all impacted blood samples.

The Fix: The blood THC test was optimized to differentiate Delta-9-THC from Delta-8-THC, & Delta-6a(10a)-THC.

What does this mean for impacted OUI blood samples?

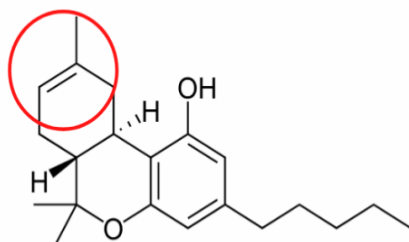
The sample is still positive for a psychoactive cannabinoid (THC).

For DREs-they act on same receptors in the body, and all are in the category of Cannabinoids.

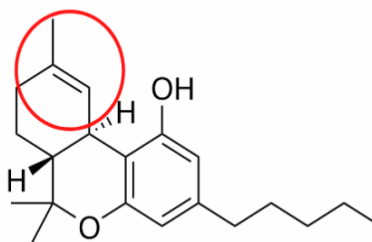
Maine law does not state specific compounds regarding OUIs.

Re-testing offered by request free of charge.

Molecular structure of delta-8-THC and delta-9-THC



Delta-8-THC

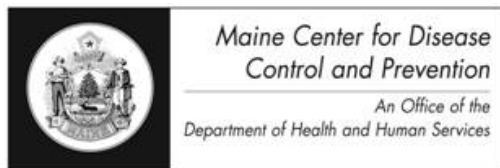


Delta-9-THC

Delta-8-THC	Delta-9-THC
Psychoactive Cannabinoid	Psychoactive Cannabinoid
DRE Category: Cannabinoids	DRE Category: Cannabinoids
Trace amounts may naturally be found in Cannabis.	Naturally found in Cannabis
Starting to be utilized by those looking to skirt laws that specifically mention $\Delta 9$ -THC (example: certain federal laws)	

Questions? Please contact: Ellen A Fraser Ellen.A.Fraser@maine.gov (207) 287-1713

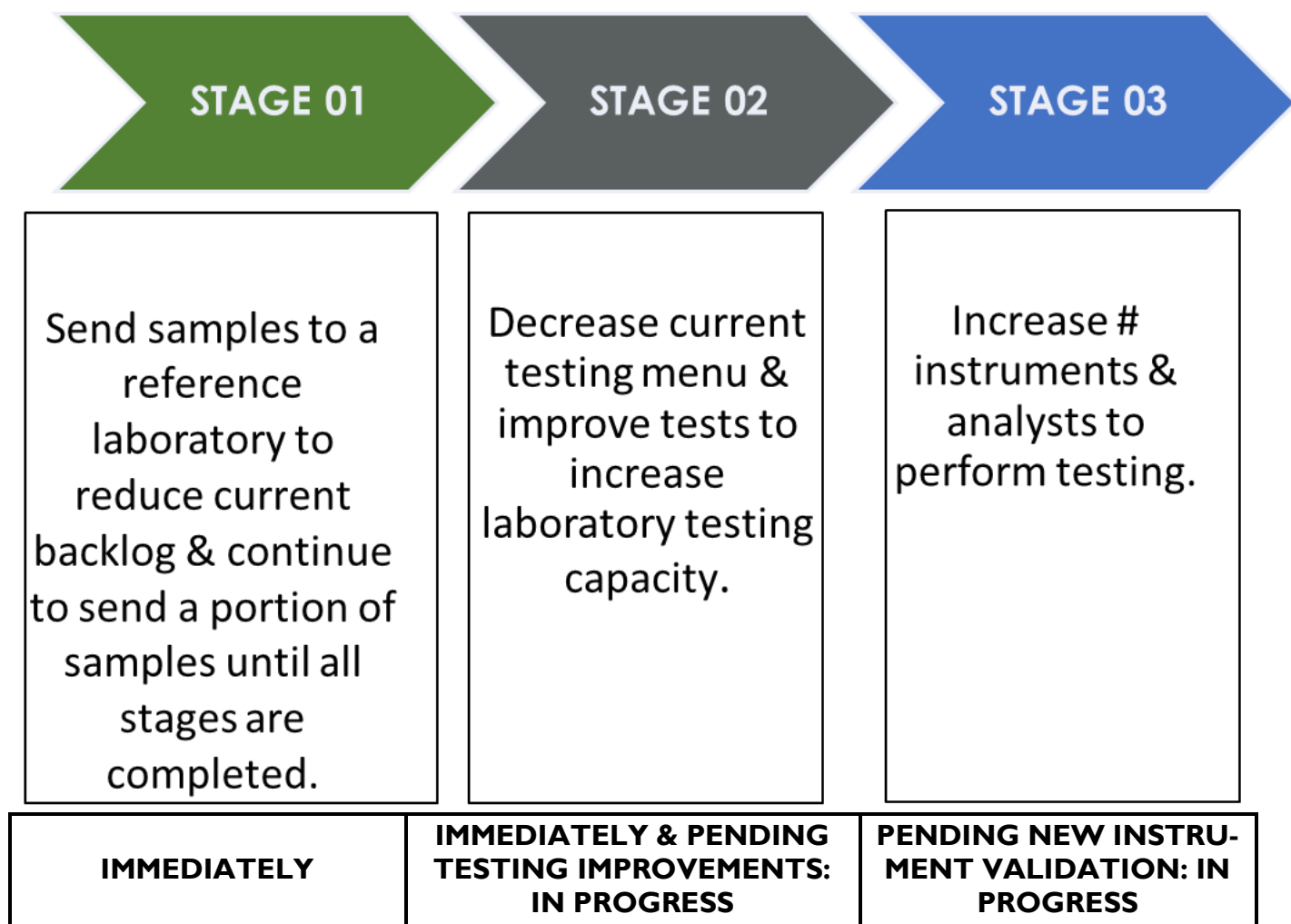
Chemist's Corner



Health and Environmental Testing Laboratory
Forensic Chemistry Section-Toxicology

Laboratory Update:

Urine Drug Testing Program: The 3-stage approach in place to eliminate the urine backlog.



Questions? Please contact: Lauren Niskach Lauren.C.Niskach@maine.gov (207) 287-1708

Click Here 



ONE TEXT OR CALL



COULD WRECK IT ALL!

One Text or Call Would Wreck it All Banners & Posters

In 2020 new “Stop Speeding” banners were created and distributed to every police department across Maine. These banners were very well received by the community and for this year it was decided to create more banners, but this time with a focus on distracted driving. These banners will be hung up at future events and around town. To expand this campaign, new distracted driving posters are being created and will be sent to every high school across the state as well. The banners and posters will be arriving in the coming months.

JUST DRIVE!

“ONE TEXT OR CALL COULD WRECK IT ALL”



Maine Bureau of Highway Safety

Stopped-vehicle crashes result in hundreds of fatalities per year

They found that 95 percent of these inconspicuous-vehicle crashes occur when a vehicle traveling down the roadway collides with a stationary one. However, more than half the deaths and almost 1 in 5 serious injuries occur when a vehicle strikes a pedestrian who is leaving, working on, or returning to a stopped vehicle. On average, this type of crash kills 300 pedestrians a year, a number that has risen by more than a quarter since 2014. [Read More](#)



OUI Email Group

Maine has it's own impaired driving email group. This closed group is for officers and prosecutors to post news, events, questions and all things relevant to impaired driving enforcement.

To join contact me at

Thomas.j.reagan@maine.gov

For CPS:

There are two upcoming new certification classes for anyone interested in becoming a child passenger safety technician. The classes are being held at the Gorham Fire Department in June and the Paris Fire Department in July. For more information, please follow the link provided below.

<https://www.maine.gov/dps/bhs/child-passenger-safety/training/course.html>

www.certrt.safekids.org

Training Dates & Times:

July 19th to 22nd ~ 8:00 am to 5:00 pm

Training Location:

Paris Fire Department

33 Market Square

South Paris, Maine 04281

Course ID: [ME20210331308](#)

Certification Cost (Paid directly to Safe Kids Worldwide):
\$95

Lunch is provided

2020 Was a Tough Year for Maine's Peace Officers

There is no doubt that 2020 was a rough year for law enforcement. We had to deal with COVID and an unfair media bias that gave the defund the police speakers too much credence.

I looked at the Intoxilyzer logs and I am pleased to see that, despite limitations placed on officers, we had twenty-seven agencies with 52 or more OUI arrests. Many more were just below that number. Thank you to all who keep our citizens safe from this rolling menace.

Now most of the restrictions are off and traffic is back to pre-COVID volume. It's time to get back to work. When you think about it 52 OUI arrests in one year for an agency is one OUI arrest per week.

The argument may be that the OUIs are fewer and further between. Maybe you consider having lower OUI arrests means you are closer to complete voluntary compliance, our actual goal. I would applaud this but you have to look at alcohol related crashes in your community(ies) as well. If you had no OUI arrests and no OUI crashes you would have a better argument, but then you have to look at you neighboring agencies successes or failures. Vehicles cross town lines. *No one but police officers turn around at the town line.* If you are situated between or aside any of these agencies you have to take that into consideration too. How many impaired drivers filter through your town without detection? We know that 2% of drivers are impaired(1 in 50) any hour of the day but it raises to 10% weekend nights.

My initial research shows there are police agencies with more alcohol related crashes than OUI arrests in 2020. The sheriff's office for that city has 9% of the OUI arrests within that city and they have more OUI arrests in the neighboring communities of that city which have no police force.

Evaluate your agency's effectiveness. Look at the number of OUI arrests and the number of OUI crashes. The link below will help you with the crash data. Our goal is voluntary compliance. Everyone survives their drive. TR

<https://mdotapps.maine.gov/MaineCrashPublic/>

PORTLAND PD	171
CUMBERLAND SO	151
BRUNSWICK PD	138
BANGOR PD	117
WATERVILLE PD	113
S PORTLAND PD	104
YORK PD	93
BIDDEFORD PD	90
KENNEBEC SO	86
AUGUSTA PD	82
MSP TROOP C	81
MSP	79
SACO PD	79
WESTBROOK PD	75
SCARBOROUGH PD	64
PENOBSCOT SO	61
ROCKLAND PD	61
SOMERSET SO	61
GORHAM PD	59
OXFORD SO	58
ANDROSCOGGIN SO	57
LEWISTON PD	57
MSP TROOP J	56
OLD ORCHID BEACH PD	54
ELLSWORTH PD	53
MSP TROOP B	53
FARMINGTON PD	52

GRAY	36	No PD, No Problem
NAPLES	27	These communities have no
STANDISH	25	police departments but im-
WOOLWICH	25	paired drivers
MADISON	20	
TURNER	20	
LEBANON	18	
RAYMOND	17	
WATERBORO	15	
CHINA	14	
GREENE	14	

Concerns over teens and high potency marijuana have no easy answers at statehouse

THC levels in products based on concentrate, which have become more popular and widespread since legalization, can be up to 9 times higher than in marijuana flower.

9NEWS.com





Janet T. Mills
Governor

STATE OF MAINE
Department of Public Safety
Bureau of Highway Safety
164 State House Station
Augusta, Maine
04333-0164



Michael J. Sauschuck
Commissioner

Lauren V. Stewart
Director

In May of 2021, 19 individuals lost their lives in motor vehicle crashes. The 5-year average for the month of May is 14. The five-year average for the month of June is 15. Today, we stand at a loss of eight people, five over just this past weekend.

All these fatalities are extremely sad and very tragic and while we realize that not all involved are to blame, and that some people are truly unfortunate victims of someone else's driving behavior, we believe that if more road users were focused on safety, fewer lives would be lost.

Using the word accident instead of crash seems reasonable, given that we can assume that crashes are not intentional, but most crashes don't just happen. According to the National Highway Traffic Safety Administration, driver error is the main factor in 94% of collisions. Other than random "Acts of God", very few crashes are really accidents. Choosing to walk, ride or drive impaired, using distracting electronic devices, increasing your speed, being impatient and driving recklessly or aggressively, not taking that second look before moving forward or backward or turning, these are not unavoidable happenstance but are choices that can harm you or innocent others. The use of the word "accident" to describe a crash implies that no one was at fault or that they were powerless to change the circumstances, or that their choices did not play a part in the outcome.

In our effort to educate all road users, save lives from preventable crashes, and reduce or eliminate serious injuries and property damage, the Bureau of Highway Safety believes that simple changes to how we talk about crashes can help frame them as the serious events that they are, and play a part in reminding people that actions behind the wheel matter, their choices matter, and their lives matter.



Thank you for your continued commitment to transportation safety. Will you help us educate the public that crashes are not accidents?

Lauren V. Stewart, Director

Buckle Up. Drive Safely.



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NATIONAL SHERIFFS' ASSOCIATION

NATIONAL SHERIFFS' ASSOCIATION

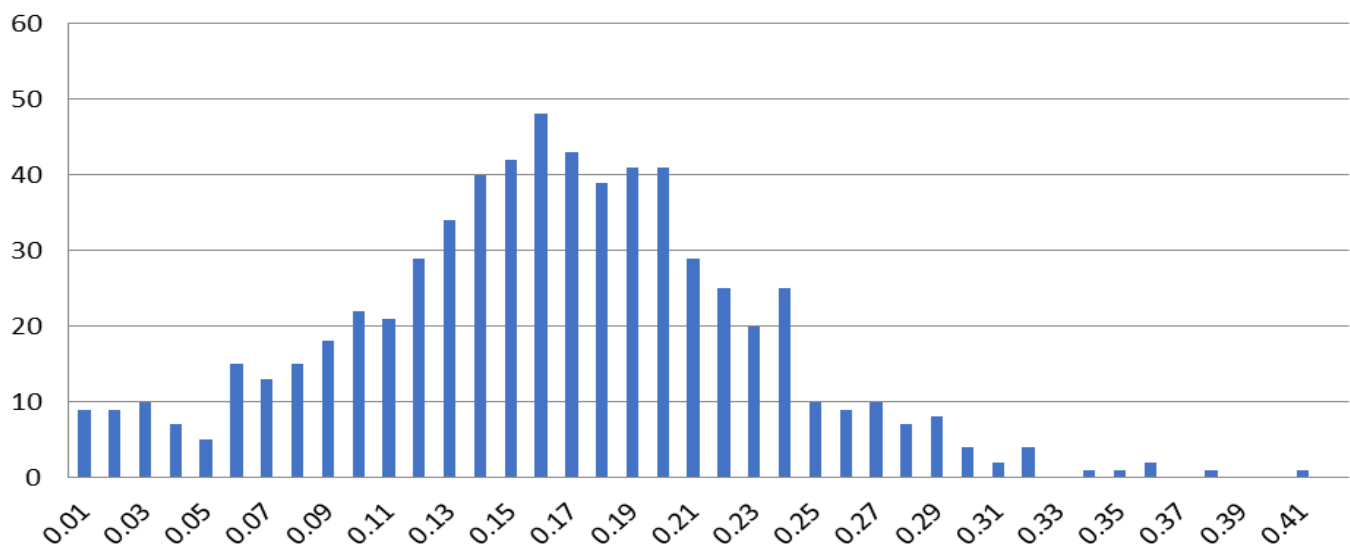
TRAFFIC STOP

MONTHLY NEWSLETTER

[Check out this resource](#)

Announcements
Impaired Driving
Distracted Driving
Occupant/Passenger Restraint
Traffic Enforcement
Miscellaneous
Learning From Others

2021 1Q BrAC results



Traffic Safety Marketing

Welcome to the National Highway Traffic Safety Administration communication resource for states, partner organizations, and highway safety professionals. [Free social media ideas](#)

TSM Traffic Safety Marketing

Impact of Speeds on Drivers and Vehicles – Results from Crash Tests

This study examines how vehicle crashworthiness and occupant protection degrade as impact speeds increase. The results and implications in this report provide valuable information for those who advocate for safety considerations when setting maximum posted speed limits.

[Read More](#)



Stop High Risk Impaired Driving (HRID)

In the summer of 2020, Responsibility.org released the High Risk Impaired Driving (HRID) website, [StopHRID.org](#), which addresses the six phases of the DUI system that focus on repeat offenders, high blood alcohol concentration, and drivers impaired by multiple substances.

How can you employ the counter measures highlighted in StopHRID?



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